

ENVIRONMENTAL RELATED REQUIREMENTS

All state and federally funded projects are subject to either the Montana Environmental Policy Act (MEPA) or National Environmental Policy Act of 1969 (NEPA), or both. MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a state agency. NEPA establishes national policy, goals, and procedures for protecting, restoring, and enhancing environmental quality.

Both laws seek to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts on any development assisted with federal funds or approved by a state agency. In order to avoid delays, adding significantly to project costs, or even prevent a project from being carried out, all applicants applying to the funding programs listed in this publication must take potential environmental impacts into account when planning a project. As a result, local officials will be able to make more informed decisions related to the potential environmental consequences of projects and the actions that will be required to mitigate those consequences. Therefore, environmental resources that may be impacted by the proposed project must first be identified by completing the Uniform Environmental Checklist and then evaluated in the preliminary engineering report (PER). Depending on the funding source, or if the project changes from what was proposed in the PER, additional environmental actions may be required at later stages of the project.

ENVIRONMENTAL REQUIREMENTS WHEN COMPLETING THE PER

Environmental impacts are first analyzed when preliminary engineering is completed for a proposed project. The first step is to complete the Uniform Environmental Checklist, which then becomes the basis for the analysis that is included in the PER. The checklist is used to identify environmental resources present in the project area and any potential impacts that the project may have on them. Once the checklist has been completed, the engineer must include in the PER an analysis of the impacts that the project would have on the environment, and the appropriate short and long-term measures to be used to mitigate any of the potentially adverse impacts.

Step 1 – Complete the Uniform Environmental Checklist

The Uniform Environmental Checklist can be completed through an information search and by visiting the area where the project may take place. The checklist does not have to be completed by an engineer; a local official, grant writer or other non-engineering person may perform the actions necessary to complete the checklist if they have the ability to do so. **However, the project engineer is required to sign the Uniform Environmental Checklist, certifying that he or she has reviewed the checklist and the information presented, and that it accurately identifies the environmental resources in the area and the potential impacts that the project could have on those resources.**

Since the environmental analysis within the PER is based upon the information obtained through the completion of the checklist, it is ultimately the responsibility of the engineer preparing the PER to ensure that the environmental checklist has been properly completed. If the checklist is not completed by the project engineer, it is strongly recommended that the person completing the checklist consult with the engineer to ensure that all needed information is obtained. If the project engineer cannot reasonably ensure that all potential environmental impacts have been adequately identified, steps should be taken before completing the PER to ensure that the information is obtained.

The checklist includes a listing of subject areas relating to the physical and human environment that must be analyzed. The impact on each of the subject areas must be determined. The impact on a subject area could be directly from the proposed infrastructure facilities project, or conversely, the potential impact on the project from the subject area. For example, in the instance of the potential impacts of floodplains in relation to a sewage lagoon project, would the lagoon be placed such that floodwater could be diverted, thus changing the areas that would be flooded? Or, would the lagoon be placed such that floodwaters could erode the lagoon's dikes?

Five categories are listed on the form:

1. **N** - No Impact Anticipated or Not Applicable to This Project (specify which);
2. **B** - Potentially Beneficial Impact;
3. **A** - Potentially Adverse Impact;
4. **P** - Agency Approval or Permits Required; and
5. **M** - Mitigation Actions Required.

A space is provided next to each subject area that is to be identified and is filled in using at least one of the letters found in the key at the top of each page. The key represents the five categories listed above. In most cases, only a brief response to each of the categories is required in order to indicate whether the resource is present and whether it may be impacted. However, if impacts on a subject area are anticipated, they need to be described. In some cases, it may be appropriate to indicate more than one category. For example, if a potentially adverse impact has been identified, an agency approval or permit may also be required. Responses should be provided in the "comments" section of this form. When completed on a computer, the form can be expanded to accommodate lengthy comments.

Sources that were consulted to assess the potential impact on or from the project for each subject area must be identified. The source of information for determining whether there is an impact should also be noted in the "comments" section. Sources of information can include studies, plans, documents (such as USGS topographic quadrangle, FEMA floodplain map, wetlands inventory map, and USGS soil identification map), or persons, organizations, or agencies contacted. Web resources for topographical maps include: the state NRIS site at <http://nris.state.mt.us/>, www.topozone.com, and www.mapquest.com for street maps.

Environmental information and assistance in preparing the environmental checklist can be obtained from a wide variety of sources. Should the applicant have questions regarding whom to contact regarding additional information pertaining to a particular subject area, you may call the Montana Environmental Quality Council for assistance [telephone (406) 444-3742].

Step 2 – Analyze Potential Environmental Impacts in the PER

Once the checklist has been completed, the engineer must include in the PER an analysis of the impacts that the project would have on the environment, and the appropriate short and long-term measures to be used to mitigate any of the potentially adverse impacts. The environmental resources present in the project area and the impact that the project may have on them are generally discussed in Section II. Problem Definition. Unique impacts by a particular alternative are also discussed in Section IV. Alternatives Analysis. Depending on the potential impact that an alternative may have on the environment, letters may need to be sent to specific agencies in order to obtain additional information. **The potential impacts that an alternative may have on the environment is required to be taken into account as part of the evaluation and selection of the preferred alternative.**

Once the selected alternative has been identified, a more detailed analysis is performed along with discussion about how potentially adverse impacts would be mitigated. At this time, several state and federal agencies are required to be contacted regarding the specific proposal in order to identify any concerns that they may have about the proposed project. The comments provided by these agencies may provide additional, or more detailed, information to the engineer about the environmental resources present that may be potentially impacted and specific measures for mitigating those impacts. Detailed studies, such as wetland delineation, are not required during the preliminary engineering phase. These more detailed studies are performed later as required, probably during the final design of the project.

At a minimum, each of the state and federal agencies listed below must be provided the following information about the selected alternative, and requested to provide comment on the proposed project:

1. a map of the area surrounding the project that identifies the project site, adjacent streets, and other identifiable objects,
2. line drawings or sketches of the project, and
3. a narrative description of the project's elements and its location.

The state and federal agencies that must be sent information include:

1. Montana Department of Environmental Quality,
2. Montana Department of Fish, Wildlife and Parks,
3. Montana Department of Natural Resources and Conservation,
4. U.S. Fish and Wildlife Service,
5. U.S. Army Corps of Engineers, and
6. Montana Historical Society (State Historic Preservation Officer) - In addition to the information identified above, point out any known historic/archeological resources within the project area that may have any local or state significance, and provide any known historic/archeological survey that has been conducted for the project area.
7. Federally listed Tribes affected by the project if appropriate, the Tribal Historic Preservation Officer (THPO).

As applicable, the information listed above must also be provided to any other state or federal agency, along with a request to provide comment on the proposed project, if a particular environmental resource might potentially be impacted. A listing of various state and federal agencies that can provide information concerning environmental resources is provided on the next page. On the following page is a summary of sources for different types of information regarding environmental resources.

Summary of Environmental Requirements When Completing the PER

1. Complete the Uniform Environmental Checklist.
2. Generally discuss the environmental resources present in the project area and the impact that the project may have on them in Section II. Problem Definition.
3. Discuss any unique impacts by a particular alternative in Section IV. Alternatives Analysis. Request information from specific State or Federal agencies if needed.
4. Take into account environmental resources as part of the evaluation and selection of the preferred alternative.
5. Perform a more detailed environmental analysis, along with discussion about how potentially adverse impacts would be mitigated, once the selected alternative has been selected. Request comments from required State and Federal agencies at this time.
6. Include a copy of the correspondence sent to and received from State and Federal agencies.

Note for Those Applying for Rural Development Funding

Rural Development requires a stand-alone Environmental Report that may either be a direct extraction of environmental information from the PER, or provides references to specific sections in the PER. Supplemental environmental guidance is provided in Rural Development's description of its Loan and Grant Program on page 9.

POTENTIAL AGENCY CONTACTS FOR ENVIRONMENTAL RESOURCES

State Agencies:

DOC Department of Commerce, Census and Economic Information Center, 301 S. Park Ave., PO Box 200505, Helena, MT 59620-0505. Phone (406) 841-2739

DEQ Department of Environmental Quality, Permitting and Compliance Division, 1520 E. 6th Ave., PO Box 200901, Helena, MT 59620-0901. Phone (406) 444-4323.

FWP Department of Fish, Wildlife and Parks, 1420 E. 6th, Helena, MT 59620. Phone (406) 444-2535.

DOLI Department of Labor and Industry, 1327 Lockey, PO Box 1728, Helena, MT 59624. Phone (406) 444-9091.

DNRC Department of Natural Resources and Conservation, 1625 11th Ave., PO Box 201601, Helena, MT 59620-1601. Phone (406) 444-2074

MDT Department of Transportation, 2701 Prospect Ave., PO Box 201001, Helena, MT 59620. Phone (406) 444-6200.

SHPO State Historic Preservation Office, 1410 8th Ave., PO Box 201202, Helena, MT 59620. Phone (406) 444-7715.

Federal Agencies:

BIA Bureau of Indian Affairs, 316 N. 26th St., Billings, MT 59101. Phone (406) 247-7970.

BLM Bureau of Land Management, 5001 Southgate Dr., Billings, MT 59101. Phone (406) 896-5000.

FAA Federal Aviation Administration, 2725 Skyway Dr., Helena, MT 59602. Phone (406) 449-5271.

NPS National Park Service, PO Box 25287, Denver, CO 80225-0287. Phone (303) 969-2850.

NRCS Natural Resource Conservation Service, 10 E. Babcock St., Bozeman, MT 59771. Phone (406) 587-6811.

OSHA Occupational Safety and Health Administration, 2900 4th Ave. N., Billings, MT 59101. Phone (406) 247-7494.

USACE U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena MT 59626. Phone (406) 441-1375.

USDOT U.S. Department of Transportation, 585 Shephard Way, Helena MT 59601. Phone (406) 449-5303.

USEPA U.S. Environmental Protection Agency, Montana Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59625. Phone (406) 457-5000.

USFWS U.S. Fish and Wildlife Service, Ecological Services, 585 Shepherd Way, Helena, MT 59601. Phone (406) 449-5225.

USFS U.S. Forest Service, Region 1, PO Box 7669, Missoula, MT 59807. Phone (406) 329-3150.

SUMMARY OF SOURCES FOR ENVIRONMENTAL INFORMATION

Environmental Resources	Contact	Type of Information Available
General Land Use	Local planning agencies	Zoning, land use classifications
Important Farmland	NRCS	Soil surveys
Formally classified lands	DNRC, FWP, NPS, BLM, USFS, BIA, USACE	State lands, monuments, landmarks, wild and scenic rivers, wilderness areas, State or national parks, reservations, recreational areas
Floodplains	DNRC, County Disaster Coordinator	Floodplain information
Wetlands	NRCS, USACE, FWP, USFWS	Soil surveys, National Wetland Inventory maps, and Section 404 issues
Cultural resources	SHPO, THPO	Historic and archaeological sites. Visually sensitive areas
Biological resources	USFWS, FWP	Threatened and endangered species, critical habitats, species of special concern
Water quality	USEPA, DEQ, DNRC, FWP	Discharge permits, water appropriation permits, sole source aquifers, nondegradation, underground storage tanks
Socio-Economic / Environmental Justice	Census Bureau, DEQ, USEPA, Local civic organizations	Economic data, location of minority and low-income populations
Air quality	DEQ	State Implementation Plan
Transportation	FAA, MDT, USDOT	Airports, highway safety
Noise	DOT, DOLI, USEPA, OSHA, FAA	Noise levels/restrictions

UNIFORM ENVIRONMENTAL CHECKLIST

As the engineer that prepared the preliminary engineering report, I _____, (print name of engineer), have reviewed the information presented in this checklist and believe that it accurately identifies the environmental resources in the area and the potential impacts that the project could have on those resources. In addition, the required state and federal agencies were provided with the required information about the project and requested to provide comments on the proposed public facility project. Their comments have been incorporated into and attached to the Preliminary Engineering Report.

Engineer's Signature: _____ Date: _____

Key Letter: **N** – No Impact/Not Applicable **B** – Potentially Beneficial **A** – Potentially Adverse
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PHYSICAL ENVIRONMENT	
<u>Key</u> _____	1. Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity) <i>Comments and Source of Information:</i>
<u>Key</u> _____	2. Hazardous Facilities (e.g., power lines, EPA hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks) <i>Comments and Source of Information:</i>
<u>Key</u> _____	3. Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions) <i>Comments and Source of Information:</i>
<u>Key</u> _____	4. Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers) <i>Comments and Source of Information:</i>
<u>Key</u> _____	5. Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals) <i>Comments and Source of Information:</i>
<u>Key</u> _____	6. Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.) <i>Comments and Source of Information:</i>
<u>Key</u> _____	7. Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.) <i>Comments and Source of Information:</i>

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<u>Key</u> <hr/>	8. Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	9. Vegetation & Wildlife Species & Habitats, Including Fish (e.g., terrestrial, avian and aquatic life and habitats) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	11. Unique Natural Features (e.g., geologic features) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	12. Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways (including Federally Designated Wild & Scenic Rivers), and Public Open Space <i>Comments and Source of Information:</i>
HUMAN POPULATION	
<u>Key</u> <hr/>	1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	2. Nuisances (e.g., glare, fumes) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	3. Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads) <i>Comments and Source of Information:</i>
<u>Key</u> <hr/>	4. Historic Properties, Cultural, and Archaeological Resources <i>Comments and Source of Information:</i>

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<u>Key</u> 	5. Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density) <i>Comments and Source of Information:</i>
<u>Key</u> 	6. Environmental Justice – (Does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brownfield sites?) <i>Comments and Source of Information:</i>
<u>Key</u> 	7. General Housing Conditions - Quality, Quantity, Affordability <i>Comments and Source of Information:</i>
<u>Key</u> 	8. Displacement or Relocation of Businesses or Residents <i>Comments and Source of Information:</i>
<u>Key</u> 	9. Public Health and Safety <i>Comments and Source of Information:</i>
<u>Key</u> 	10. Lead Based Paint and/or Asbestos <i>Comments and Source of Information:</i>
<u>Key</u> 	11. Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact <i>Comments and Source of Information:</i>
<u>Key</u> 	12. Local & State Tax Base & Revenues <i>Comments and Source of Information:</i>
<u>Key</u> 	13. Educational Facilities - Schools, Colleges, Universities <i>Comments and Source of Information:</i>
<u>Key</u> 	14. Commercial and Industrial Facilities - Production & Activity, Growth or Decline <i>Comments and Source of Information:</i>

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<u>Key</u> 	15. Health Care – Medical Services <i>Comments and Source of Information:</i>
<u>Key</u> 	16. Social Services – Governmental Services (e.g., demand on) <i>Comments and Source of Information:</i>
<u>Key</u> 	17. Social Structures & Mores (Standards of Social Conduct/Social Conventions) <i>Comments and Source of Information:</i>
<u>Key</u> 	18. Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts) <i>Comments and Source of Information:</i>
<u>Key</u> 	19. Energy Resources - Consumption and Conservation <i>Comments and Source of Information:</i>
<u>Key</u> 	20. Solid Waste Management <i>Comments and Source of Information:</i>
<u>Key</u> 	21. Wastewater Treatment - Sewage System <i>Comments and Source of Information:</i>
<u>Key</u> 	22. Storm Water – Surface Drainage <i>Comments and Source of Information:</i>
<u>Key</u> 	23. Community Water Supply <i>Comments and Source of Information:</i>
<u>Key</u> 	24. Public Safety – Police <i>Comments and Source of Information:</i>
<u>Key</u> 	25. Fire Protection – Hazards <i>Comments and Source of Information:</i>

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<u>Key</u> 	26. Emergency Medical Services <i>Comments and Source of Information:</i>
<u>Key</u> 	27. Parks, Playgrounds, & Open Space <i>Comments and Source of Information:</i>
<u>Key</u> 	28. Cultural Facilities, Cultural Uniqueness & Diversity <i>Comments and Source of Information:</i>
<u>Key</u> 	29. Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones) <i>Comments and Source of Information:</i>
<u>Key</u> 	30. Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans) <i>Comments and Source of Information:</i>
<u>Key</u> 	31. Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.) <i>Comments and Source of Information:</i>